

21cr212 JRT/LIB

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

INDICTMENT

Plaintiff,

18 U.S.C. § 113(a)(1)

18 U.S.C. § 113(a)(3)

v.

18 U.S.C. § 922(g)(3)

18 U.S.C. § 922(a)(2)

DAVID BRIAN DONNELL, JR.,

18 U.S.C. § 924(c)(1)(A)(iii)

18 U.S.C. § 924(d)(1)

Defendant.

18 U.S.C. § 1111

18 U.S.C. § 1151

18 U.S.C. § 1153(a)

28 U.S.C. § 2461(c)

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT 1

(Murder in the First Degree)

On or about July 27, 2021, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation, the defendant,

DAVID BRIAN DONNELL, JR.,

an Indian, did unlawfully kill Red Lake Police Officer Ryan Andrew Bialke, with malice aforethought, and did so willfully, deliberately, maliciously, and with premeditation, all in violation of Title 18, United States Code, Sections 1111, 1151, and 1153(a).



United States v. David Brian Donnell, Jr.

COUNT 2

(Assault with Intent to Commit Murder)

On or about July 27, 2021, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation, the defendant,

DAVID BRIAN DONNELL, JR.,

an Indian, did assault Red Lake Police Officer A.R. with intent to commit murder, all in violation of Title 18, United States Code, Sections 113(a)(1), 1151, and 1153(a).

COUNT 3

(Assault with a Dangerous Weapon)

On or about July 27, 2021, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation, the defendant,

DAVID BRIAN DONNELL, JR.,

an Indian, did assault Red Lake Police Officer A.R. with a dangerous weapon, namely a firearm, with intent to do bodily harm, all in violation of Title 18, United States Code, Sections 113(a)(3), 1151, and 1153(a).

United States v. David Brian Donnell, Jr.

COUNT 4

(Assault with Intent to Commit Murder)

On or about July 27, 2021, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation, the defendant,

DAVID BRIAN DONNELL, JR.,

an Indian, did assault Red Lake Police Officer G.D. with intent to commit murder, all in violation of Title 18, United States Code, Sections 113(a)(1), 1151, and 1153(a).

COUNT 5

(Assault with a Dangerous Weapon)

On or about July 27, 2021, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation, the defendant,

DAVID BRIAN DONNELL, JR.,

an Indian, did assault Red Lake Police Officer G.D. with a dangerous weapon, namely a firearm, with intent to do bodily harm, all in violation of Title 18, United States Code, Sections 113(a)(3), 1151, and 1153(a).

United States v. David Brian Donnell, Jr.

COUNT 6

(Assault with Intent to Commit Murder)

On or about July 27, 2021, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation, the defendant,

DAVID BRIAN DONNELL, JR.,

an Indian, did assault Red Lake Police Officer S.D. with intent to commit murder, all in violation of Title 18, United States Code, Sections 113(a)(1), 1151, and 1153(a).

COUNT 7

(Assault with a Dangerous Weapon)

On or about July 27, 2021, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation, the defendant,

DAVID BRIAN DONNELL, JR.,

an Indian, did assault Red Lake Police Officer S.D. with a dangerous weapon, namely a firearm, with intent to do bodily harm, all in violation of Title 18, United States Code, Sections 113(a)(3), 1151, and 1153(a).

United States v. David Brian Donnell, Jr.

COUNT 8

(Assault with Intent to Commit Murder)

On or about July 27, 2021, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation, the defendant,

DAVID BRIAN DONNELL, JR.,

an Indian, did assault Red Lake Police Officer C.N. with intent to commit murder, all in violation of Title 18, United States Code, Sections 113(a)(1), 1151, and 1153(a).

COUNT 9

(Assault with a Dangerous Weapon)

On or about July 27, 2021, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation, the defendant,

DAVID BRIAN DONNELL, JR.,

an Indian, did assault Red Lake Police Officer C.N. with a dangerous weapon, namely a firearm, with intent to do bodily harm, all in violation of Title 18, United States Code, Sections 113(a)(3), 1151, and 1153(a).

United States v. David Brian Donnell, Jr.

COUNT 10

(Discharging, Carrying, and Using a Firearm
During and in Relation to a Crime of Violence)

On or about July 27, 2021, in the State and District of Minnesota, the
defendant,

DAVID BRIAN DONNELL, JR.,

during and in relation to crimes of violence for which he may be prosecuted in
a court of the United States, that is, the murder of Red Lake Police Officer
Ryan Andrew Bialke within the exterior boundaries of the Red Lake Indian
Reservation; the assault with the intent to commit murder of Red Lake Police
Officers A.R., G.D., S.D., and C.N. within the exterior boundaries of the Red
Lake Indian Reservation; and the assault with a dangerous weapon of Red
Lake Police Officers A.R., G.D., S.D., and C.N. within the exterior boundaries
of the Red Lake Indian Reservation, did knowingly discharge, carry, and use a
firearm, all in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

COUNT 11

(Unlawful Controlled Substance User in Possession of Firearms)

On or about July 27, 2021, in the State and District of Minnesota, the
defendant,

DAVID BRIAN DONNELL, JR.,

United States v. David Brian Donnell, Jr.

being an unlawful user of any controlled substance, and knowing he was an unlawful user of any controlled substance, did knowingly possess, in and affecting interstate and foreign commerce, firearms, namely the following:

Description	Serial Number
Izhmash Saiga 7.62 caliber rifle	H04101057
Long gun Beeman	Unknown
Long gun	18725HM153
Long gun	NL343142
Long gun	904919
Long gun Winchester	G1760336

all in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

Forfeiture Allegations

If convicted of any of Counts 1 through 10 of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any firearms, ammunition, and accessories involved in or used in the commission of such Counts, including an Izhmash Saiga 7.62 caliber rifle bearing serial number H04101057, and any ammunition seized therewith.

If convicted of any of Count 11 of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section

United States v. David Brian Donnell, Jr.

924(d)(1) and Title 28, United States Code, Section 2461(c), any firearms, ammunition, and accessories involved in or used in the commission of Count 11, including the following:

Description	Serial Number
Izhmash Saiga 7.62 caliber rifle	H04101057
Long gun Beeman	Unknown
Long gun	18725HM153
Long gun	NL343142
Long gun	904919
Long gun Winchester	G1760336

and all accessories and ammunition seized therewith.

A TRUE BILL

ACTING UNITED STATES ATTORNEY

FOREPERSON